

February 19, 1975

to bring them up to the level of encouraging this child to go to school and not to lord it over him. So now you have got all the other children of the family subject to psychological counseling at the order of the court. They determine that the mother and father work and that doesn't go to strengthen the family structure. So they order the mother not to work any longer, under Section 5 or 4 or one of those. Take proper steps to insure the child's regular school attendance. They say, OK, if this mother wasn't working, the child would be more strictly supervised and would probably be attending school. Ok, then they decide that the father stops and has two beers after work every night and that, as a result, he gets home at 6 o'clock instead of 5 o'clock and that between 5 o'clock and 6 o'clock, he could spend a lot more time with this child and encourage him with his educational problems so they say to the father, you stop this practice of stopping for two or three beers every night on the way home from work. Those are all the powers that you are giving the court to do because the child missed school, and let's say this child only missed school five or ten times but the court determines that, if we don't take these steps, that this child is going to get into more and more trouble and our only choice is to take him out of that family setting and put him in to institutional care or put him back in the family setting with all these restrictions on the family. So now you have the father's activities restricted, his social activities restricted. You've got the mother's work habits restricted. You've got all the other members of the family subject to a mandate of psychological care. Now, Senator Luedtke, the courts cannot do that today. They could do that under this bill and that is a major question that we have to evaluate as to whether or not we want to give a juvenile court that much power to manipulate and control the family structure of families who may have some type of a truant child or whose child may come in contact with the juvenile court. It is a tremendous power. It is a tremendous question and it is something that needs to be explored here and not brushed off by the fact that they can probably do these things already. I have practiced in juvenile court. My experience has been, on occasion, that the court does attempt to direct or manipulate the family but I think that they do it within an extremely constrained bounds and as they should. But this would open it up to the court to do almost anything to that family, set any restrictions, and, in effect, you've got a blackmail situation here where the court can say, if you don't do these things, the child goes to an institution. If you want the child back in this home, you are going to follow the letter of this dictate and that is an awfully, awfully awesome power that you are giving to the courts and something that I think deserves a lot more scrutiny and a lot more consideration by the members of this body before you throw that out to the families of the state of Nebraska.

SPEAKER: We will now leave General File and revert back to the other business before the Legislature and we will continue this tomorrow.

CLERK: Mr. President, we have a unanimous consent request to read the following letter from the Department of Education, from the Nebraska School for the Visually Handicapped. Read. Mr. President, I ask unanimous consent to be absent on February 21st...20th and 21st. Signed Senator Koch. Mr. President, I ask unanimous consent to bracket LB 537 on E & R Final pending some amendments. Signed Senator Marvel.